

REMARKS/ARGUMENTS

The Applicants have reviewed the Office Action dated December 3, 2007 and submit the above amendment and following remarks. The Applicants have cancelled claim 21, without prejudice, and have added new Claims 24 and 25. After this amendment, claims 11-20 and 22-25 are pending in this application. Reexamination and reconsideration of this application is requested.

Claim Rejections - under 35 USC § 103(a)

The Examiner rejected Claim 12 under 35 U.S.C. 103(a) as being anticipated by Shapiro (U.S. Patent 5,705,980) in view of *Ansaldo et al.* (U.S. Patent 6,343,206) (hereinafter “Ansaldo”). This rejection is respectfully traversed.

Ansaldo Reference fails to teach a “distance threshold”

The Applicants traverse the Examiner’s assertion that “Ansaldo discloses a processor that compares distances to at least one distance threshold stored within a list of preferences stored in a profile.” Office Action dated December 3, 2007, page 2, last paragraph, and page 3, last paragraph (both citing Ansaldo, column 8, lines 14-41).

The Applicants note that the Ansaldo reference is directed towards a collision avoidance system using radar to identify obstacles in front of a vehicle and further reconstructing the geometry of the road to determine a presumed path of the vehicle along the road. Ansaldo, Abstract. The geometry of the road is characterized by the detected curvature of the road based upon a geometrical model of the Cornu spiral which incorporates the curvature (C_0) and spatial derivative of curvature (C_1) of the road. Ansaldo, column 3, lines 34-55. A detected maneuver of the vehicle based upon an angle of motion relative to the path of the road is used to refine the approximation of the path of the vehicle. Ansaldo, column 3, lines 55-68.

The Applicants point out that the cited portion of Ansaldo describes characterizing a vehicle’s maneuver as “slight” or “sharp.” Ansaldo, column 8, lines 14-20. The

Applicants point out that C_{1a} is defined as the spatial derivative of curvature needed to realign the vehicle with the road at a predetermined distance D associated with the speed of the vehicle. Ansaldi, column 7, lines 51-56. The Applicants point out that it is the “distance D associated with the speed of the vehicle” that is “read from a suitable table stored in data memory 18). Ansaldi, column 7, lines 55-58. The Appellants assert that the “distance D” stored in memory is never compared to anything in Ansaldi. The “spatial derivative of the curvature C_{1a} ” is what is compared to a threshold C_{1amax} in the cited portion of Ansaldi, with that threshold C_{1amax} for that spatial derivative of curvature being stored in memory. Ansaldi, column 7, lines 51-54 and column 8, lines 14-20. The Applicants assert that the cited portion of Ansaldi fails to teach or suggest comparing “distances to at least one distance threshold stored within a list of preferences stored in a profile database” as is recited by claims 11 and 16.

In reviewing the Ansaldi reference, however, the Applicants note that Ansaldi does disclose comparing distances of objects to a calculated “safe distance dds.” Ansaldi, column 9, lines 30-64. The “safe distance dds” is calculated based upon, *inter alia*, vehicle speed and road surface conditions.” Ansaldi, column 6, lines 1-16. The Applicants point out that this is also not a teaching of the “comparing” limitation of claims 11 and 16 since this value is calculated based on currently observed conditions and does not include comparing “distances to at least one distance threshold stored within a list of preferences stored in a profile database” as is recited by claims 11 and 16.

The Applicants further fail to see where Ansaldi discloses that anything used for a comparison (even the spatial derivative of curvature C_{1a}) is “stored within a list of preferences stored in a profile database in association with the first wireless communications device” as is set forth by claims 11 and 16. The Applicants assert that “preferences” has a clear and common meaning to practitioners of ordinary skill in the art that is consistent with the dictionary meaning of that word. For example: Preference 1 “a preferring or being preferred; greater liking” ... 3 “something preferred; one’s first choice.” Webster’s New World College Dictionary, Fourth Edition, Page 1133. The Applicants assert that “preferences stored within a profile database” is more specific than

configuration parameters (such as distances associated with the speed of a vehicle or safe distances) or other state parameters that may be stored in a system.

Therefore, the Applicants assert that “a list of preferences” goes beyond the “addressing, programming options, etc.” that are stored in the paging database 101 of Shapiro. Shapiro, column 4, lines 63-67. The Applicants note that Shapiro specifies “programming options” and not “program options.” The Applicants point out that one of ordinary skill in the art would understand “programming options” that are stored in a paging facility 16 to identify the optional software programs that are installed in the paging device, and not any type of “preferences.” The Applicants assert that the cited references, taken either alone or in combination with one another, fail to teach or suggest “at least one distance threshold stored within a list of preferences stored in a profile database in association with the first wireless communications device” as is set forth by claims 11 and 16.

No Motivation to combine Shapiro and Ansaldi

The Applicants further traverse the Examiner’s assertion of a motivation to combine the Shapiro and Ansaldi references. The Applicants assert that “deciding whether to use an antenna beamforming technique or to broadcast signals at a maximum bandwidth” is irrelevant to the presently claimed invention or the cited references. Office Action Dated December 3, 2007, page 3, first paragraph. The Applicants further assert that Shapiro reference is directed to identifying one wireless device that should receive an emergency alert. The Ansaldi reference is directed towards determining if detected obstacles in front of a moving vehicle pose a threat of collision. The Processing of Ansaldi is not identifying objects that will receive information or that will be directly acted upon. The processor of Ansaldi only identifies objects that the vehicle carrying the processor of Ansaldi should maneuver to avoid. The Applicants assert that a practitioner of ordinary skill in the art designing a system to determine devices that should receive a particular message would not look to vehicle collision avoidance systems.

Shapiro fails to teach the “sending” limitation of claim 11

With regards to claim 11, the Applicants traverse the Examiner's assertion that Shapiro discloses "sending, to the first wireless communications device, the respective location and an identifier of each wireless communication device within the set." Office Action dated December 3, 2007, page 2, fourth paragraph. The Applicants point out that the computing" limitation of claim 11 specifies "computing distances between a location of the first wireless communications device and a respective location of each of at least one other wireless communication device. In applying the cited portion of Shapiro to claim 11, the Applicants assert that the "alarm unit 30" carried by "person 28" in Shapiro corresponds to the "first wireless communication device" of claim 11. Shapiro, column 6, lines 60-65. The "set of wireless communications devices" of claim 11 therefore corresponds to the "security officer" or "specific pager unit 40" carried by the "security officer" that is receiving the assistance order signal. Shapiro, column 7, lines 17-25. The Applicants assert that in order to be a teaching of the "sending" limitation of claim 11, the system of Shapiro would be required to send "the respective location and an identifier" to "security officer" or "specific pager unit 40" carried by the "security officer" that is receiving the assistance order signal (which corresponds to "each wireless communication device within the set" of claim 11). The Applicants assert that the cited references fail to teach such a process, and therefore fail to teach or suggest the "sending" limitation of claim 11, particularly in the context of the other limitations of claim 11.

Amended claims 11 and 16

The Applicants have amended claims 11 and 16 to more clearly recite "maintaining a profile database storing a respective profile for each of a plurality of wireless communications devices, the respective profile for each of the plurality of wireless communications devices comprising at least one individualized distance threshold for each of the plurality of wireless communications devices." Support for this amendment is found in the specification at, for example, page 9, lines 1-5. No new matter has been added by these amendments. As discussed above, the Applicants assert that the cited references, taken either alone or in any combination, fail to teach or suggest this combination of limitations, particularly when considered in context with the other limitations of amended claim 11 and 16.

Claims 11 and 16 have been further amended to more clearly define the “comparing” and “identifying” limitations to be consistent with the above recited contents of the “profile database.” Claim 16 has been further amended to more clearly define “the set of wireless communications devices” within the “sending” limitation. Support for these amendments is found in the specification at, for example, page 9, lines 1-17 and page 15, lines 1-10. No new matter has been added by these amendments. The Applicants assert that the cited references, taken either alone or in any combination, fail to teach or suggest this combination of limitations, particularly when considered in context with the other limitations of amended claim 11 and 16.

Amended claim 12

The Applicants have amended claim 12 to more clearly set forth one aspect of the present invention. The Applicants refer to the above remarks concerning the failure of Shapiro to teach the “sending” limitation of claim 11. The Applicants assert that since the information is never received by the analogy of “the first wireless communications device” in Shapiro, it is clear that Shapiro fails to disclose displaying it “on the first wireless communications device.”

Amended claims 13, 14 and 17

The Applicants have amended claims 13, 14 and 17 to include “maintaining a profile database” in a manner similar as described above for claims 11 and 16. The Applicants refer to the above remarks concerning this limitation.

The Applicants have also amended the “computing,” “comparing,” and “identifying” limitations of claims 13, 14 and 17 in a manner corresponding to those described above with regards to claims 11 and 16 and to conform to the specified contents the “profile database” of the amended claims. The Applicants refer to the above remarks concerning these limitations.

With regards to the “sending” limitation of claims 14, and 17, the Applicants assert that

Shapiro fails to disclose sending a message to a “plurality of emergency services that satisfy the at least one individualized distance threshold” as is set forth by amended claims 14 and 17. The Shapiro reference is directed to sending a message to one selected receiver at a time, and does not contemplate sending a message to multiple receivers at all. The Applicants assert that the cited references fail to teach or suggest the combination of the “sending ... to the plurality of communication devices with the set,” in particular in conjunction with the processing specified to obtain “the set” as is set forth by the “identifying” limitation.

Claim 19

The Applicants have claim 19 to more clearly define one aspect of the presently claimed invention. Support for this amendment is found in the specification at, for example, page 8, lines 18 through page 9, line 17. The Applicants point out that Shapiro is limited to determining the location of pager units 40 carried by police/security officers only in response to receiving an emergency signal. Shapiro, column 6, line 29 through column 7, line 20. No storage of communication device location in a “location database” for subsequent use in determining nearby units is taught or suggested by Shapiro, taken either alone or in any combination with the other cited references.

Claim 20

The Applicants have amended claim 20 to more clearly recite one aspect of the present invention. Support for this amendment is found in the specification at, for example, page 13, lines 1-7 and page 15, lines 9-19. No new matter has been added by this amendment.

With regards to the present rejection of claim 20, the Applicants re-traverse the Examiner’s assertion that Shapiro discloses the limitations of previously pending claim 20. Office Action dated December 3, 2007, page 4, third paragraph, citing Shapiro, column 3, lines 22-65. The Applicants reassert their remarks from their earlier response that the cited portion of Shapiro describes the design of the identification data generation circuits and the RF transmission circuits of the alarm unit 30 and RF receiver circuitry of the relation station. See, Response dated November 20, 2006, page 6, first paragraph.

The Applicants assert that their response over 15 months ago to this rejection is still valid today:

With regards to the “receiving ... a section of a selected wireless communications device” limitation of claim 20, the Applicants assert that the Shapiro reference fails to teach or suggest “the selected wireless communications device” as that is defined by claim 20, particularly when considered “as a whole.” The Applicants point out that “the set” recited in claim 20 corresponds to the “set of wireless communications devices that satisfy the at least one distance threshold,” which was identified in the “identifying” limitation of claim 11. The “sending” limitation of claim 11, which is referred to in the “receiving” limitation of claim 20, further references this “set.”

As understood by the Applicants, the Examiner is analogizing the “set” of claim 11 to the nearest “security officer” of Shapiro, since the security officer’s unit is the receiver of the location and identification information. Shapiro, column 7, lines 20-26. The Applicants assert that the Shapiro reference, taken either alone or in combination with the other cited prior art references, fails to teach or suggest any “selection” being made from this “set.” The “set,” as asserted by the Examiner, is the sole security officer that is closest to the alarm unit. There is no teaching or suggestion in Shapiro of making any further selection from within this “set.” Since this “set” only has one element, making a selection would make no sense.

Furthermore, the Applicants point out that as presently claimed for the present invention, this “selection” is “in response to the step of sending,” which is defined in claim 11 as “sending, to the first wireless communication device, the respective location and an identifier of each wireless communications device within the set.” The Applicants assert that the Shapiro reference, taken either alone or in combination with the other cited references, fails to teach or suggest receiving anything in response to the sending of data to any wireless device and clearly cannot teach or suggest this limitation. Furthermore, as discussed above, the Applicants traverse the assertion that the Shapiro reference teaches or suggests sending this data to “the first wireless communications device” as that

device is defined by the claims when considered “as a whole.”

Claim 20 further recites “initiating, in response to the step of receiving, communications between the first wireless communications device and the selected wireless communications device.”

To begin, the Applicants fail to see where the Shapiro reference ever teaches initiating communications between an “alarm unit 30” and “the selected wireless communications device” within the meaning of a “selected wireless device” as defined by claim 20, when considered as a whole and considering the other limitations of claims 20 and 11, from which claim 20 depends. As discussed above, the “set” consists of the sole security officer closes to the alarm unit. The “selected wireless communications device” must also be selected from this set of one. The alarm unit 30 of Shapiro only communicates with the “station” and the station then sends data regarding the alarm unit 30 to the nearest security officer. See, e.g., Shapiro, Abstract. The Applicants fail to identify a teaching or suggestion by the Shapiro reference, taken either alone or in any combination with any of any other cited references, of any type of communications between the alarm unit 30 and the security officer units 40. Further, the Applicants assert that there is no teaching or suggestion of any such communications “in response to the step of receiving,” as is set forth by claim 20.

The Applicants further assert that the relay station of Shapiro cannot be a teaching of the selected wireless communications device. The Applicants assert that since the “selected wireless communications device” is selected “from within the set,” the relay station of Shapiro cannot be analogized to either of the wireless communications devices in the “initiating” limitation.

Claim 23

With respect to claim 23, the Applicants point out that “the respective location and an identifier of each emergency service within the set” of claim 23 is being sent to the “wireless communications device.” The Applicants assert that the “wireless

communications device” of claim 23 is analogous to the “alarm unit 30” carried by “person 28” in Shapiro. The Applicants refer to the above remarks with regards to the “sending” limitation of claim 11 and assert that Shapiro, taken either alone or in any combination with the other cited references, fails to teach or suggest sending such information to the originator of the request, such as the “alarm unit 30” carried by “person 28” in Shapiro or “the wireless communications device” of claim 23.

Furthermore, as described above, Independent claims 11, 14, and 17 distinguish over the cited references and therefore dependent claims 12, 15, 18-20 and 22-23, which all depend directly or indirectly from amended independent claims 11, 14, and 17, also distinguish over the cited references. The Applicants therefore assert that the rejection of these claims should be withdrawn and that the application is in condition for allowance.

New Claims

The Applicants have added new claims 24 and 25. Support for new claim 24 is found in the specification at, for example, page 5, lines 1-10. Support for new claim 25 is found in the specification at, for example, page 8, line 19 through page 9, line 17. No new matter was added by this amendment.

Conclusion

The foregoing is submitted as full and complete response to the Official Action mailed December 3, 2007, and it is submitted that Claims 11-20 and 22-24 are in condition for allowance. Reconsideration of the rejection and allowance of the subject application is requested.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §§ 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is

knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

The Commissioner is hereby authorized to change any fees that may be required or credit any overpayment to Deposit Account 50-1556.

If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

Respectfully submitted,

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